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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/590,814	01/16/2007	Carine Poisson	295280US2X PCT	1142
22850 7590 05/26/2009 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER LE, DAVID D	
			ART UNIT 3655	PAPER NUMBER
			NOTIFICATION DATE 05/26/2009	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/590,814	Applicant(s) POISSON, CARINE	
	Examiner David D. Le	Art Unit 3655	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 August 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/22/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is the first Office action on the merits of Application No. 10/590,814, filed on 16 January 2007. Claims 11-20 are pending.

Documents

2. The following documents have been received and filed as part of the patent application:
- Declaration and Power of Attorney, received on 01/16/07
 - Copy of Foreign Priority Document, received on 08/25/06
 - Information Disclosure Statement, received 11/22/06

Drawings

3. The drawing of Figure 1 is objected to under 37 CFR 1.83(a). The drawing must show every feature of the invention specified in the claims. Therefore, the separate action devices, the steering wheel and the arms must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheet in compliance with 37 CFR 1.121(d) is required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the

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drawing for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawing will not be held in abeyance.

4. The drawing of Figure 1 is also objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: Blocks 1-3 are not shown in the present Figure 1. Corrected drawing sheet in compliance with 37 CFR 1.121(d) is required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawing will not be held in abeyance.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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6. Claims 11-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 11:

- Line 3 recites the limitation "the transmission". There is insufficient antecedent basis for this limitation in the claim.

Claim 13:

- Lines 1-2 recite the limitation "conditions for imposing an up-shift on the transmission". It is unclear whether the newly recited conditions are different from the first conditions, which are first recited on lines 3-4 of claim 11.
- Line 3 recites the limitation "primary speed". It is unclear, specifically, what the primary speed is referring to.

Claim 14:

- Lines 1-2 recite the limitation "conditions for imposing a down-shift on the transmission". It is unclear whether the newly recited conditions are different from the first conditions, which are first recited on lines 3-4 of claim 11.
- Line 3 recites the limitation "primary speed". It is unclear, specifically, what the primary speed is referring to.

Claim 15:

- Line 2 recites the limitation “an imposed up-shift”. It is unclear whether this newly recited limitation “an imposed up-shift” is different from the one, which is first recited on line 2 of claim 13.
- Line 4 recites the limitation “primary speed”. It is unclear, specifically, what the primary speed is referring to.

Claim 16:

- Line 2 recites the limitation “an imposed down-shift”. It is unclear whether this newly recited limitation “an imposed down-shift” is different from the one, which is first recited on line 2 of claim 14.
- Line 4 recites the limitation “primary speed”. It is unclear, specifically, what the primary speed is referring to.

Claim 17:

- Line 6 recites the limitation “primary speed”. It is unclear, specifically, what the primary speed is referring to.

Claim 18:

- Line 2 recites the limitation “the foot”. There is insufficient antecedent basis for this limitation in the claim.

Claim 19:

- Claim 19 is directed to an adjustment device. It is unclear what structural element(s) in claim 19 that constitutes the claimed adjustment device.
- Line 2 recites the limitation "the steering wheel". There is insufficient antecedent basis for this limitation in the claim.

Claim 20:

- Claim 20 is directed to an adjustment device. It is unclear what structural element(s) in claim 19 that constitutes the claimed adjustment device.
- Line 2 recites the limitation "the steering wheel". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 11-20 are rejected under 35 U.S.C. 102(b) as being anticipated by U. S. Patent

Application Publication No. US 2003/0101840 A1 to Yoshikawa et al.

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Claims 11-20:

Yoshikawa (Figs. 1A - 5B; paragraphs [0007] – [0034]) discloses a gearshift device for an automatic manual transmission comprising:

- A shift lever (i.e., Fig. 3, element 14);
- An automatic mode slot (i.e., Fig. 3, element 16) for operating in an automatic mode;
- A manual mode slot (i.e., Fig. 3, element 18) for operating in a manual mode;
- A steering wheel (i.e., Fig. 2, element 5);
- Two manual up-shift arms (i.e., Fig. 2, elements 25);
- Two manual down-shift arms (i.e., Fig. 2, elements 23);
- Wherein the transmission capable of performing the steps of:
 - Imposing a change of ratio request by the driver on the transmission, if first conditions are satisfied (i.e., paragraphs [0030] – [0034]);
 - Maintaining the ratio until second conditions for returning to the automatic mode are satisfied (i.e., paragraph [0032]);
 - Automatically restoring the automatic mode when the second conditions are satisfied (i.e., paragraph [0032]);
 - Wherein the driver can request an up-shift or a down-shift by using the two manual up-shift arms or the two manual down-shift arms;
 - Wherein the manual up-shift arms and manual down-shift arms are located near/on the steering wheel (i.e., Figs. 1A, 1B and 2).

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Sato et al. (U. S. Patent No. 6,692,408) teaches a shift control system for an automatic transmission, as shown in Figs. 1-6.
- Shamato et al. (U. S. Patent No. 5,865,705) teaches an operating apparatus for automatic transmission, as shown in Figs. 1-2.
- Kondo et al. (U. S. Patent No. 5,662,549) teaches a control system for an automatic transmission, as shown in Figs. 1-12.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David D. Le whose telephone number is 571-272-7092. The examiner can normally be reached on Mon-Fri (0900-1730).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles A. Marmor can be reached on 571-272-7095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David D. Le/
Primary Examiner, Art Unit 3655
05/19/2009

ddl